

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

January 16, 2020

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees (the "PECs") write to request an extension of the dates set in ECF Nos. 5266 and 5413, as to defendants Yassin al Kadi¹, Wa'el Jelaiden and Soliman H.S. Al Buthe, including the January 17, 2020 deadline for the plaintiffs to provide general notice to the merits and personal jurisdiction defendants (other than Dallah Avco and the Kingdom of Saudi Arabia) concerning the identities of Plaintiffs' contemplated experts and a generalized description of the subject matter of their anticipated reports and testimonies.

As the Court may recall, Plaintiffs have sought the deposition of Jelaidan and Al Buthe for some time now and have requested that the Jelaiden deposition occur before responding to Mr. Kadi's interrogatories. Mr. Kadi previously testified that he and Mr. Jelaiden were friends and worked together for many years. The Jelaiden testimony is therefore highly relevant to Mr. Kadi.

On December 19, 2019, the PECs requested an extension of time to respond to the Kadi interrogatories in a letter motion ECF No. 5382, and the Court granted the request on December 20 ECF No. 5388, granting an extension of time to respond to the Kadi interrogatories to be served 30 days after Mr. Jelaiden's deposition is completed. There is currently a motion pending from Mr. Jelaiden's counsel concerning the parameters of Mr. Jelaiden's deposition and no date has been set.

¹ Mr. Kadi **was** formerly a Specially Designated Global Terrorist ("SDGT"). His deposition was previously taken in London for this litigation. Both Mr. Jelaiden and Mr. Buthe are still designated as SDGTs, and Mr. Buthe is under indictment in the United States.

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Yesterday, the PECs filed a motion for sanctions against Mr. Buthe, including a request to default the defendant, for his refusal to appear for a deposition. In that motion, the PECs similarly requested that the Court adjourn the scheduling order regarding general identification of experts as to Mr. Buthe.

Given the delay in obtaining critical and relevant information on each of these three defendants, and the apparent reluctance of two of the defendants to participate, the PECs request that the deadlines set in ECF Nos. 5266 and 5413 be stayed regarding each of the three individual defendants, until 30 days after the Jelaiden deposition (as to Kadi and Jelaidan) and the Court's ruling on the Al-Buthe motion (as to Al-Buthe).

Plaintiffs contacted Mr. Kadi's counsel Peter Salerno, to request his consent to the adjournment, as he has done before, but we have not received a response from him.

Respectfully submitted,

COZEN O'CONNOR

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For the Plaintiffs' Exec. Committees

cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF